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09/290,090	04/12/1999	KENNETH MCCLURE	NC-13957	9441

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NOKIA MOBILE PHONES INC  
BRIAN T RIVERS  
6000 CONNECTION DRIVE  
IRVING, TX 75039

EXAMINER

DAVIS, TEMICA M

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 03/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/290,090

Applicant(s)  
McClure

Examiner  
Temica M. Davis

Art Unit  
2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 12, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2-3
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 1 of the specification, the provisional application serial number needs to be entered.

Appropriate correction is required.

### ***Claim Objections***

2. Claims 6, 13 and 29 objected to because of the following informalities: In claim 6, line 2, insert --,-- between "time said", in claim 13, line 2, insert --,-- between "time said", and in claim 29, lines 2 and 3, insert --,-- between "time said".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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4. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Swanchara et al (Swanchara), U.S. Patent No. 6,108,542.

Regarding claim 1, Swanchara discloses a method of evaluating a base station without missing a paging frame (col. 3, lines 11-45), comprising the steps of receiving a first paging frame from a first base station (col. 9, lines 41-58); initiating a timing sequence after receiving said first paging frame (col. 9, lines 58-65); scanning for system parameters from a second base station (col. 3, lines 40-45, col. 9, line 66-col. 10, line 17); and receiving a second paging frame from said first base station (col. 6, lines 23-28, col. 10, lines 6-17; figures 2-7, 10-12D).

Regarding claim 2, Swanchara discloses the method of Claim 1, further comprising the step of halting said scanning step when said system parameters from said second base station are received (col. 13, lines 48-65).

Regarding claim 3, Swanchara discloses the method of Claim 1, further comprising the step of halting said scanning step once said timing sequence is complete (col. 13, lines 48-65).

Regarding claim 4, Swanchara discloses the method of Claim 1, wherein said second paging frame is the paging frame for said mobile station which immediately follows said first paging frame (col. 9, lines 43-53, col. 13, lines 17-45).

Regarding claim 5, Swanchara discloses the method of Claim 1, wherein the duration of said scanning step is limited to a predetermined amount of time, said amount of time being dependent on the amount of time between said first and second paging frames (col. 9, lines 43-65, col. 13, lines 17-31).

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Regarding claim 6, Swanchara discloses the method of Claim 1, wherein the duration of said scanning step is limited to a predetermined amount of time said predetermined amount of time being dependent on mobile station architecture (col. 12, lines 20-30; figure 10).

Regarding claim 7, Swanchara discloses the method of Claim 1, wherein the duration of said scanning step is limited to a predetermined amount of time, said amount of time being dependent on the amount of time required for said mobile phone to switch from said first receiving step to said scanning step and from said scanning step to said second receiving step (col. 9, lines 43-53, col. 13, lines 17-45).

Regarding claim 8, Swanchara discloses the method of Claim 1, wherein said steps are performed by a mobile station (abstract).

Regarding claim 9, Swanchara discloses a method of evaluating a base station without missing a paging frame (col. 3, lines 11-45), comprising the steps of initiating a timing sequence after receiving a first paging frame from a first base station (col. 9, lines 41-65); selecting a second base station to be evaluated during said timing sequence (col. 3, lines 40-45, col. 9, line 66-col. 10, line 17); scanning said second base station transmissions for system parameters (col. 3, lines 40-45, col. 9, line 66-col. 10, line 17); and receiving a second paging frame from said first base station (col. 6, lines 23-28, col. 10, lines 6-17; figures 2-7, 10-12D).

Regarding claim 10, Swanchara discloses the method of Claim 9, further comprising the step of halting said scanning step when said system parameters from said second base station are received (col. 13, lines 48-65).

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Regarding claim 11, Swanchara discloses the method of Claim 9, further comprising the step of halting said scanning step once said timing sequence is complete (col. 13, lines 48-65).

Regarding claim 12, Swanchara discloses the method of Claim 9, wherein said second paging frame is the paging frame for said mobile station which immediately follows said first paging frame (col. 9, lines 43-53, col. 13, lines 17-45).

Regarding claim 13, Swanchara discloses the method of Claim 9, wherein the duration of said scanning step is limited to a predetermined amount of time, said predetermined amount of time being dependent on mobile station architecture (col. 12, lines 20-30; figure 10).

Regarding claim 14, Swanchara discloses the method of Claim 9, wherein the duration of said scanning step is limited to a predetermined amount of time, said amount of time being dependent on the amount of time between said first and second paging frames (col. 9, lines 43-65, col. 13, lines 17-31).

Regarding claim 15, Swanchara discloses the method of Claim 9, wherein the duration of said scanning step is limited to a predetermined amount of time, said amount of time being dependent on the amount of time required for said mobile phone to switch from said first receiving step to said scanning step and from said scanning step to said second receiving step (col. 9, lines 43-53, col. 13, lines 17-45).

Regarding claim 16, Swanchara discloses the method of Claim 9, wherein said steps are performed by a mobile station (abstract).

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Regarding claim 17, Swanchara discloses a system of wireless base station and mobile station communication, comprising: first and second base stations transmitting paging frames and system parameters (col. 5, lines 20-41); and a mobile station registered with and receiving paging frames from said first base station (col. 8, lines 12-65, col. 9, lines 41-58); wherein said mobile station evaluates said second base station based on transmitted system parameters of said second base station without missing said paging frames from said first base station (col. 3, lines 40-51, col. 9, line 54-col. 10, line 17).

Regarding claim 18, Swanchara discloses the system of Claim 17, wherein said mobile station can receive said system parameters of said second base station only when said first base station is not transmitting said paging frames (col. 9, line 54-col. 10, line 5).

Regarding claim 19, Swanchara discloses the system of Claim 17, wherein receipt of a first paging frame triggers evaluation of said second base station (col. 9, lines 54-65).

Regarding claim 20, Swanchara discloses the system of Claim 17, wherein said mobile station stops receiving said transmissions of said second base station once said system parameters from said second base station are received (col. 13, lines 48-65).

Regarding claim 21, Swanchara discloses the system of Claim 17, wherein said mobile station can receive said transmissions of said second base station only during a predetermined amount of time, said predetermined amount of time being dependent on the architecture of said mobile station (col. 12, lines 20-30; figure 10).

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Regarding claim 22, Swanchara discloses the system of Claim 17, wherein said mobile station can receive said transmissions of said second base station only during a predetermined amount of time, said predetermined amount of time being dependent on the amount of time between said paging frames for said mobile station transmitted by said first base station (col. 9, lines 43-65).

Regarding claim 23, Swanchara discloses the system of Claim 17, wherein said mobile station can receive said transmissions of said second base station only during a predetermined amount of time, said amount of time being dependent on the amount of time required for said mobile phone to switch from receiving said paging frames transmitted by said first base station to receiving said system parameters transmitted by said second base station and back (col. 9, lines 43-53, col. 13, lines 17-45).

Regarding claim 24, Swanchara discloses a mobile station, comprising: a control head (col. 10, lines 21-24; figure 8A); a transceiver unit, comprising a transmitter; a receiver (col. 10, lines 26-31; figure 8A); and a logic control assembly at least partially controlled by said control head (col. 10, lines 32-56; figure 8A); and an antenna assembly connected to said transceiver unit (col. 10, lines 24-25; figure 8A); wherein said logic control assembly controls the operation of said transceiver unit to scan for and evaluate transmitted parameters of at least one base station under evaluation without missing paging frames from a registered base station (col. 3, lines 40-51, col. 8, lines 12-65, col. 9, line 41-col. 10, line 7).



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Regarding claim 25, Swanchara discloses the mobile station of Claim 24, wherein receipt of a first paging frame from said registered base station triggers said transceiver unit to scan for and evaluate said base station under evaluation (col. 9, lines 54-65).

Regarding claim 26, Swanchara discloses the mobile station of Claim 24, wherein said transceiver unit further comprises inherently a memory and said logic control assembly executes programs in said memory to scan for and evaluate said transmitted parameters (col. 10, lines 48-65).

Regarding claim 27, Swanchara discloses the mobile station of Claim 24, wherein said transceiver unit receives said parameters only when said registered base station is not transmitting said paging frames (col. 9, line 54-col. 10, line 5).

Regarding claim 28, Swanchara discloses the mobile station of Claim 24, wherein said transceiver unit stops scanning for said parameters once said parameters are received (col. 13, lines 48-65).

Regarding claim 29, Swanchara discloses the mobile station of Claim 24, wherein said transceiver unit can receive said parameters only during a predetermined amount of time said predetermined amount of time being dependent on the architecture of said mobile station (col. 12, lines 20-30; figure 10).

Regarding claim 30, Swanchara discloses the system of Claim 24, wherein said transceiver unit can receive said parameters only during a predetermined amount of time, said

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amount of time being dependent on the amount of time between said paging frames for said mobile station transmitted by said registered base station (col. 9, lines 43-65).

Regarding claim 31, Swanchara discloses the system of Claim 24, wherein said transceiver unit can receive said parameters only during a predetermined amount of time, said amount of time being dependent on the amount of time required for said mobile phone to switch from receiving said paging frames transmitted by said registered base station to receiving said parameters transmitted by said base station under evaluation and back (col. 9, lines 43-65).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alanara et al, U.S. Patent No. 6,067,460, discloses a mobile station having enhanced standby mode.

Wan, U.S. Patent No. 6,044,069, discloses a power management system for a mobile station.

Bilstrom et al, U.S. Patent No. 5,910,949, discloses packet channel feedback.

Wenk, U.S. Patent No. 5,642,356, discloses optimal paging of one or two cellular mobile stations using a hard page slot.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The

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examiner can normally be reached on Monday-Thursday from 8:30 am to 6:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service whose telephone number is (703)306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for any communications intended for entry).

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*



Temica M. Davis

February 28, 2002



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600